



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,895	05/26/2000	Shunpei Yamazaki	0756-2160	8423

22204 7590 09/03/2002

NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

MUNSON, GENE M

ART UNIT PAPER NUMBER

2811

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

578,895

Applicant(s)

S. YAMAZAKI ET AL

Examiner

G. MUNSON

Group Art Unit

2811

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 29 July 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10, 14-54 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 2-4, 6, 7, 9, 10, 25-27, 29-31, 32, 39, 41, 42, 50, 52, 53 is/are allowed.
- ☒ Claim(s) 1, 5, 14-17, 20, 23, 24, 28, 32, 33, 36, 37, 40, 43, 44, 47, 48, 51, 54 is/are rejected.
- ☒ Claim(s) 8, 18, 19, 21, 22, 34, 35, 45, 46 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2811

Examination is continued under 37 CFR 1.114.

Claims 14-16, 24, 28, 32, 37, 40, 43, 48, 51 and 54 are rejected under 35 U.S.C. 112, second and fourth paragraphs. It is unclear how the claims further limit the electroluminescence display device of claims 1-3, 17, 25, 29, 33, 38, 41, 44, 49 and 52. This rejection could be overcome if each of the claims were put in independent form including the limitations of the claims on which they depend.

Claims 14-16, 24, 28, 32, 37, 40, 43, 48, 51 and 54 are rejected under 35 U.S.C. 112, first paragraph. The listed "electronic" devices are not clearly described to enable a person skilled in the art to make and use the devices. Figures 16 and 20 may be sufficient for a design patent but not for a utility patent.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2811

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 5, 17, 20, 23, 33, 36, 44 and 47 are rejected under 35 U.S.C. 102 as unpatentable as shown by Yamada, cited by applicants. See Figures 3-5 with "first" transistor or "switching" element 30 and "second" transistor or "current control" element 40.

Claims 14, 24, 37 and 48 are rejected under 35 U.S.C. 103 as unpatentable over Yamada and Tang et al '365, considered together. It would have been obvious to use pixels as in ^{Yamada}~~Tang~~ (Figures 3-5) in order to achieve flat panel displays, as noted in Tang et al (columns 1-2), for known electronic devices as claimed.

With regard to the remarks which accompany the preliminary amendment, filed 29 July 2002, no copy of pending claims for pending application SN 09/432,662 has been provided. 37 CFR 1.98. If provided, only allowed claims relevant to an existing claim in this application would be considered. "There is no duty to submit information which is not material to the patentability of any existing claim." 37 CFR 1.56. Absent allowed claims in SN 09/432,662, there appears nothing to consider

Art Unit: 2811

in SN 09/432,662 material to the patentability of any existing claim in this application. However, SN 09/432,662 will be considered if a patent issues.

Claims 2-4, 6, 7, 9, 10, 25-27, 29-31, 38, 39, 41, 42, 49, 50, 52 and 53 are allowed over the art of record. Moreover, claims 8, 18, 19, 21, 22, 34, 35, 45 and 46 are objected to as dependent upon rejected claims but would be allowable if claims 8, 18, 19, 21, 34, 35, 45 and 46 were each put in completed form as independent claims including all limitations of claims 1, 8; 17, 18; 17, 19; 17, 21; 33, 34; 33, 35; 44, 45; 44, 46.

Any inquiry concerning this communication should be directed to G. Munson at telephone number (703) 308-4925 or 0956.

Munson

8-30-02



GENE M. MUNSON
EXAMINER
GROUP ART UNIT 2811